IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O.No.4291 OF 2006 (O&M)
DATE OF DECISION : 14.9.2006

New India Assurance Co.Ltd.

....Appellant

Versus

Renu Yadav & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.N.K.Khosla, Advocate
for the appellant.

...

UMA NATH SINGH, J.(Oral)

C.M.No.18458-CII of 2006

There is a delay of 6 days in re-filing the appeal. On due consideration, the same is condoned.

F.A.O.No.4291 OF 2006

This F.A.O. arises out of an award dated 20.5.2006 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Faridabad in M.V.A. Case No.225 of 22.2.2005/14.8.2002, awarding a sum of Rs.1,50,000/- with 7.5 % per annum interest in death case of a 55 years old house wife.

At the threshold, learned counsel stated that though an application under Section 170 of the Motor Vehicles Act was made but the Tribunal declined to give permission to contest the case on merit.

The only submission urged by the learned counsel is that the policy was obtained in the name of one Smt.Poonam Mishra in respect of the offending vehicle by fraud and, therefore, the Insurance Company was not liable to bear the liability.

We have carefully considered the submission of learned counsel in the light of the materials on record and the award and we do not find any force therein. The liability under the policy relates to the vehicle in question and not to the owner. Secondly, the address of Smt.Poonam Mishra on the policy is not disputed nor is it a case of the insurance that she had no knowledge of the policy being issued in her name. Moreover, in written statement, she has only stated that on the date of alleged accident she was not the owner of the vehicle. That apart, the registration of the vehicle, so also the insurance and other documents have been found to be valid.

Accordingly, we do not find any merit in the appeal which is dismissed in limine.

(UMA NATH SINGH)
JUDGE

14.9.2006

(MAHESH GROVER)
JUDGE

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